IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Con.Case(C).No. 1651 of 2007(S)

AGAINST THE JUDGEMENT IN WA.1170/1999 Dated 17/06/1999
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PETITIONER/IST APPELLANT

PAUL MECHERIL,
AGED 67 YEARS,
S/O.JOSEPH, MECHERIL, MECHERIL HOUSE,
MAVELIPURAM, KAKKANADU, KOCHI-30.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENT/2ND RESPONDENT:

SUBHASH,
AGE AND NAME OF THE FATHER ARE NOT KNOWN TO THE PETITIONER,
WORKING AS SECRETARY OF THRIKKAKARA GRAMA PANCHAYATH,
OFFICE OF THE THRIKKAKARA GRAMA PANCHAYATH,
THRIKKAKARA, KAKKANADU.

BY ADV. SRI.V.M.KURIAN &
SRI.K.T.THOMAS

THIS CONTEMPT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & P.N.RAVINDRAN, J.

Cont. Case (C) No.1651 of 2007

Dated, this the 14th day of December, 2007

JUDGMENT

H.L.Dattu, C.J.

Complainant was the appellant in W.A.No.1170 1999. He alleges that the second respondent in the writ appeal, namely the Thrikkakara Grama Panchayat has deliberately and wilfully disobeyed the orders and directions issued by this Court in W.A.No.1170 of 1999 dated 17th June, 1999. Therefore, a request is made to initiate appropriate contempt proceedings against the second respondent and to punish him for the so-called wilful and deliberate disobedience of the orders and directions issued by this Court.

2. This Court while entertaining the contempt petition had issued notice to the respondent.

3. Sri.K.T.Thomas, learned counsel, appears for the respondent. He submits that the contempt petition filed is beyond the time limit prescribed under Section 20 of the Contempt of Courts Act, 1971 ('the Act' for short) and therefore, on that sole ground the contempt petition requires to be rejected by this Court.

4. To appreciate the stand of the learned counsel for the respondent, we require to notice Section 20 of the Act. The said provision reads as under:

> "No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed."

5. That only means, contempt proceedings cannot be entertained by this Court after the expiry of a period of one year from the date on which the contempt is alleged to have been committed by the contemnor/respondent.

6. In the instant case, this Court while disposing of W.A.No.1170 of 1999 had directed the respondent contemnor as under:

> "The Panchayat shall utilise the amount set apart for this purpose from the 3rd Peoples' Plan Programme for 1999-2000. For completion of the construction of modern garbage treatment plant and slaughter house six month's time is granted to the Panchayat from today." (emphasis is supplied by us)

7. This Court while disposing of the writ appeal has specifically directed that the respondent shall complete the construction of the modern garbage treatment plant and slaughter house within six months from the date of the order. That period would expire on 17th December, 1999. If for any reason, the petitioner was of the opinion that the respondent has not complied with the orders and directions issued by this Court, he ought to have approached this Court on or before 17th December 2000.

8. This contempt petition is filed by the petitioner only in the year 2007. That is much much beyond the period of limitation prescribed under Section 20 of the Act. On this ground alone, this contempt petition requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(P.N.RAVINDRAN)
JUDGE

vns